

**EXHIBIT 19**

**to**

**INDEX OF EVIDENCE**

**IN SUPPORT OF PRISM'S MOTION**

**TO STRIKE DEFENDANT'S**

**UNTIMELY FOURTH AMENDED**

**INITIAL DISCLOSURES AND**

**BELATED PRODUCTION OF OTHER**

**FACT DISCOVERY**

## **Martinez, Cristina**

---

**From:** Ring, Sarah <sring@akingump.com>  
**Sent:** Sunday, April 20, 2014 5:35 PM  
**To:** Baghdassarian, Mark  
**Cc:** Martinez, Cristina; Clonts, David R; Gandhi, Manoj; Rosbrook, Andy; O'Neill, Kirt; Olinzock, Matthew; Colucci, Marcus A.; Caplan, Jonathan S.; Frankel, Aaron; 'Mike.cox@koleyjessen.com' (Mike.cox@koleyjessen.com); 'Dan.Fischer@koleyjessen.com' (Dan.Fischer@koleyjessen.com); Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie  
**Subject:** Re: Prism v. AT&T

Mr. Weatherly will be prepared to testify on the topics for which he was designated regarding documents that AT&T has produced since his last deposition. I am checking on the question regarding the document produced Friday and will get back to you as soon as I hear back.

On Apr 20, 2014, at 12:13 PM, "Baghdassarian, Mark"

<MBaghddassarian@KRAMERLEVIN.com<mailto:MBaghddassarian@KRAMERLEVIN.com>> wrote:

Sarah,

Thank you for your e-mail confirming the time and location of Mr. Weatherly's deposition on Tuesday April 22 (we intend to proceed as planned per our April 3 e-mail below). We will issue a formal notice of deposition tomorrow. Please confirm that Mr. Weatherly will be AT&T 30(b)(6) representative for the same topics for which he was previously identified, which would include the financial information AT&T has recently produced since his last deposition.

Also, based on our preliminary review of AT&T's production of PATTM00004324 this past Friday as a replacement to PATTM00003735, there are a number of tabs in the Excel file that do not contain information for 2013 (see, e.g., Tabs for "HFM Segment Summary YTD"; "Restated Data"). In addition, there are separate tabs for a number of years (e.g., 2011 and 2012), but no separate tab for 2013. If such information exists for 2013, please promptly produce it or confirm that it does not exist.

-Mark

From: <Ring>, Sarah Ring <sring@akingump.com<mailto:sring@akingump.com>>

Date: Sunday, April 20, 2014 at 7:55 AM

To: Cristina Martinez <CMartinez@KRAMERLEVIN.com<mailto:CMartinez@KRAMERLEVIN.com>>,

Mark Baghdassarian <mbaghddassarian@kramerlevin.com<mailto:mbaghddassarian@kramerlevin.com>>

Cc: David Clonts <dclonts@AKINGUMP.COM<mailto:dclonts@AKINGUMP.COM>>, Manoj Gandhi

<mgandhi@akingump.com<mailto:mgandhi@akingump.com>>, Andy Rosbrook

<arosbrook@AKINGUMP.com<mailto:arosbrook@AKINGUMP.com>>, Kirt O'Neill

<koneill@AKINGUMP.COM<mailto:koneill@AKINGUMP.COM>>, Matthew Olinzock

<MOlinzock@KRAMERLEVIN.com<mailto:MOlinzock@KRAMERLEVIN.com>>, Marcus Colucci

<MColucci@KRAMERLEVIN.com<mailto:MColucci@KRAMERLEVIN.com>>, Jonathan Caplan

<JCaplan@KRAMERLEVIN.com<mailto:JCaplan@KRAMERLEVIN.com>>, Aaron Frankel

<AFrankel@KRAMERLEVIN.com<mailto:AFrankel@KRAMERLEVIN.com>>, 'Michael Cox'

<mike.cox@koleyjessen.com<mailto:mike.cox@koleyjessen.com>>, 'Daniel Fischer'  
<dan.fischer@koleyjessen.com<mailto:dan.fischer@koleyjessen.com>>, Paul Andre  
<PAndre@KRAMERLEVIN.com<mailto:PAndre@KRAMERLEVIN.com>>, Lisa Kobialka  
<LKobialka@KRAMERLEVIN.com<mailto:LKobialka@KRAMERLEVIN.com>>, Marian  
<mdent@AKINGUMP.com<mailto:mdent@AKINGUMP.com>>, Suzanne Csizmadia  
<scsizmadia@AKINGUMP.com<mailto:scsizmadia@AKINGUMP.com>>, Melanie Langford  
<mlangford@AkinGump.com<mailto:mlangford@AkinGump.com>>  
Subject: RE: Prism v. AT&T

Counsel,

We haven't received a deposition notice from Prism for Weatherly's deposition on Tuesday. We are planning on presenting him at 9 am on April 22 at Kilpatrick Townsend & Stockton LLP, Suite 2800 | 1100 Peachtree Street NE | Atlanta. Please let us know whether or not you plan to proceed as planned.

Thank you,

Sarah Ring  
AKIN GUMP STRAUSS HAUER & FELD LLP  
1111 Louisiana Street | 44th Floor | Houston, TX 77002-5200 | USA | Direct: +1 713.250.2123 | Internal: 12123  
Fax: +1 713.236.0822 | sring@akingump.com<mailto:sring@akingump.com> |  
akingump.com<http://www.akingump.com> | Bio<http://www.akingump.com/sring>

From: Ring, Sarah  
Sent: Friday, April 18, 2014 11:36 AM  
To: 'Martinez, Cristina'; 'Baghdassarian, Mark'  
Cc: Clonts, David R; Gandhi, Manoj; Rosbrook, Andy; O'Neill, Kirt; 'Olinzock, Matthew'; 'Colucci, Marcus A.'; 'Caplan, Jonathan S.'; 'Frankel, Aaron'; "Mike.cox@koleyjessen.com<mailto:"Mike.cox@koleyjessen.com>"(Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>)"; "Dan.Fischer@koleyjessen.com<mailto:"Dan.Fischer@koleyjessen.com>"(Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>)"; 'Andre, Paul'; 'Kobialka, Lisa'; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie  
Subject: RE: Prism v. AT&T

Counsel,

Please find the attached Excel spreadsheet which should replace PATTM00003735.

Thank you,

Sarah Ring  
AKIN GUMP STRAUSS HAUER & FELD LLP  
1111 Louisiana Street | 44th Floor | Houston, TX 77002-5200 | USA | Direct: +1 713.250.2123 | Internal: 12123  
Fax: +1 713.236.0822 | sring@akingump.com<mailto:sring@akingump.com> |  
akingump.com<http://www.akingump.com> | Bio<http://www.akingump.com/sring>

From: Ring, Sarah  
Sent: Tuesday, April 15, 2014 11:27 AM  
To: 'Martinez, Cristina'; 'Baghdassarian, Mark'  
Cc: Clonts, David R; Gandhi, Manoj; Rosbrook, Andy; O'Neill, Kirt; 'Olinzock, Matthew'; 'Colucci, Marcus A.'; 'Caplan, Jonathan S.'; 'Frankel, Aaron'; "Mike.cox@koleyjessen.com<mailto:'Mike.cox@koleyjessen.com'" (Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>); "Dan.Fischer@koleyjessen.com<mailto:'Dan.Fischer@koleyjessen.com'" (Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>); 'Andre, Paul'; 'Kobialka, Lisa'; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie  
Subject: RE: Prism v. AT&T

Counsel,

With respect to Prism's request that AT&T produce reports similar to Weatherly Exhibit 8 for reseller and connected device subscribers, attached please find a spreadsheet containing the information requested.

Thank you,

Sarah Ring  
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1111 Louisiana Street | 44th Floor | Houston, TX 77002-5200 | USA | Direct: +1 713.250.2123 | Internal: 12123  
Fax: +1 713.236.0822 | sring@akingump.com<mailto:sring@akingump.com> |  
akingump.com<http://www.akingump.com> | Bio<http://www.akingump.com/sring>

From: Ring, Sarah  
Sent: Tuesday, April 08, 2014 2:50 PM  
To: 'Martinez, Cristina'; 'Baghdassarian, Mark'  
Cc: Clonts, David R; Gandhi, Manoj; Rosbrook, Andy; O'Neill, Kirt; 'Olinzock, Matthew'; 'Colucci, Marcus A.'; 'Caplan, Jonathan S.'; 'Frankel, Aaron'; "Mike.cox@koleyjessen.com<mailto:'Mike.cox@koleyjessen.com'" (Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>); "Dan.Fischer@koleyjessen.com<mailto:'Dan.Fischer@koleyjessen.com'" (Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>); 'Andre, Paul'; 'Kobialka, Lisa'; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie  
Subject: RE: Prism v. AT&T

As a follow-up to my email this morning, in response to Prism's request for further granularity for the line items in ATTM0142036 (Weatherly Exhibit 9), AT&T is producing PATTM00003900 (attached).

Sarah Ring  
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akingump.com<http://www.akingump.com> | Bio<http://www.akingump.com/sring>

From: Ring, Sarah  
Sent: Tuesday, April 08, 2014 8:21 AM  
To: 'Martinez, Cristina'; 'Baghdassarian, Mark'  
Cc: Clonts, David R; Gandhi, Manoj; Rosbrook, Andy; O'Neill, Kirt; Olinzock, Matthew; Colucci, Marcus A.; Caplan, Jonathan S.; Frankel, Aaron; "Mike.cox@koleyjessen.com<mailto:'Mike.cox@koleyjessen.com'"  
(Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>);  
"Dan.Fischer@koleyjessen.com<mailto:'Dan.Fischer@koleyjessen.com'"  
(Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>); Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie  
Subject: FW: Prism v. AT&T

Cristina,

Please see AT&T's responses below in red.

Thank you,

Sarah Ring  
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Fax: +1 713.236.0822 | sring@akingump.com<mailto:sring@akingump.com> |  
akingump.com<http://www.akingump.com> | Bio<http://www.akingump.com/sring>

From: Martinez, Cristina [mailto:CMartinez@KRAMERLEVIN.com]  
Sent: Thursday, April 03, 2014 5:13 PM  
To: Ring, Sarah; Baghdassarian, Mark; Olinzock, Matthew; Colucci, Marcus A.  
Cc: Caplan, Jonathan S.; Frankel, Aaron; "Mike.cox@koleyjessen.com<mailto:'Mike.cox@koleyjessen.com'"  
(Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>);  
"Dan.Fischer@koleyjessen.com<mailto:'Dan.Fischer@koleyjessen.com'"  
(Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>); Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie; O'Neill, Kirt; Clonts, David R; Gandhi, Manoj; Rosbrook, Andy  
Subject: RE: Prism v. AT&T

Sarah:

We write to follow-up on various items discussed during our meet and confer on March 25, 2014, and our letter dated March 20, 2014.

First, the parties discussed Prism's requests for (i) detailed statements of profit and loss; and (2) statement of AT&T's revenues and profits associated with its backhaul provider services. With respect to (i), AT&T is still working on this request. With respect to (2), AT&T will not be producing revenues and profits associated with its backhaul provider services because it is not relevant and not covered by any document requests.

We also discussed certain line items of ATTM0142036, and AT&T indicated it would look into whether additional granularity is available for these line items. This is the same request as (i) above and AT&T is still working on this. Please provide an update as to the status of these items.

Second, with respect to Prism's requests for information regarding femto cells/wi-fi hotspots and throttling, AT&T requested that Prism identify discovery requests that cover these topics. Prism identifies Interrogatory No. 7, as well as document requests 79, 81, 82, 84, 85, 86, 89, 90, 91, 92, and 96. AT&T has produced the following documents related to femtocells: PATTM00003736, PATTM00003784, PATTM00003817, PATTM00003755, PATTM00003812. AT&T has produced the following document related to Wi-fi: PATTM00003872. AT&T will not be producing the requested documents related to throttling because it is not relevant and not covered by any document requests.

Third, with respect to the subscriber information item, AT&T stated it produced a document on March 11, 2014 that contains information regarding reseller and connected device customers, and that it already produced information for prepaid, postpaid and wholesale customers. AT&T indicated it would supplement its response to Interrogatory No. 8. Please provide the supplemental response. AT&T will formally supplement its interrogatory response with the following: Postpaid subscriber numbers are identified in ATT00182378. Branded prepaid subscriber numbers are identified in ATT00182381 and 82. AT&T's reseller and connected devices subscriber numbers are identified in PATTM00003484.

Fourth, AT&T indicated it was investigating and/or gathering documents with respect to the following items, and would get back to us regarding whether and when additional information would be provided: Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 14, and Exhibit 20. Please provide an update as to the status of these items.

Exhibit 7: the data revenue reflected in Row 4, Exhibit 7 is across all subscribers (postpaid, prepaid, reseller and connected devices). The underlying source document was produced as PATTM00003735.

Exhibit 8: AT&T has produced this data with respect to prepaid customers as PATTM00003873. AT&T has been unable to locate similar information for reseller and connected device subscribers, but is still working on that aspect of this request.

Exhibit 9: This is the same request as (i) above, and AT&T is still working on this request.

Exhibit 14: The cost included in the cost line item is the vendor cost for the device only.

Exhibit 20: AT&T has produced the following documents responsive to this request:

(a) PowerPoint and underlying spreadsheet supporting information in exhibit 20: PATT00003834 and PATT00003835.

(b) Similar documents to Exhibit 20 for prepaid plans: PATT00003871, PATT00003869, PATT00003870, PATT00003867, PATT00003868, and PATT00003866; Similar documents to Exhibit 20 for reseller plans: PATT00003874, PATT00003880, PATT00003888, PATT00003892, and PATT00003893

(c) Network performance improvement initiatives: See slide 5 of PATT00003835.

(d) Subsequent analysis re: tiered pricing ("post launch analysis") –PATT00003895.

Fifth, Prism intends to depose Mr. Weatherly on April 22, 2014. The scope of that deposition will depend upon the documents and information produced by AT&T.

Finally, and as discussed during the meet and confer, Prism requests that AT&T produce any additional information or documents by April 11, 2014, so that Prism has an adequate opportunity to review these documents prior to the deposition of Mr. Weatherly on April 22, 2014. In particular, with respect to the first item above, AT&T indicated it would identify which line items have additional information available, so that

Prism may then identify which items it would like AT&T to supplement. We want to ensure that there is sufficient time to complete this process in advance of Mr. Weatherly's deposition.

Thank you,  
Cristina

Cristina Martinez | Associate  
T: 212-715-9331 F: 212-715-8000 E:  
[CMartinez@KRAMERLEVIN.com](mailto:CMartinez@KRAMERLEVIN.com)  
Kramer Levin Naftalis & Frankel LLP | 1177 Avenue of the Americas | New York, New York 10036  
<http://www.kramerlevin.com>

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From: Martinez, Cristina  
Sent: Tuesday, March 25, 2014 5:17 PM  
To: 'Ring, Sarah'; Baghdassarian, Mark; Olinzock, Matthew; Colucci, Marcus A.  
Cc: Caplan, Jonathan S.; Frankel, Aaron; "Mike.cox@koleyjessen.com<mailto:"Mike.cox@koleyjessen.com">"  
(Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>);  
"Dan.Fischer@koleyjessen.com<mailto:"Dan.Fischer@koleyjessen.com">"  
(Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>); Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie; O'Neill, Kirt; Clonts, David R; Gandhi, Manoj; Rosbrook, Andy  
Subject: RE: Prism v. AT&T

We can use the following dial-in information:

Dial-in: 1-888-757-2751

Passcode: 2127159331

-Cristina

From: Ring, Sarah [mailto:sring@akingump.com]  
Sent: Tuesday, March 25, 2014 2:52 PM  
To: Baghdassarian, Mark; Martinez, Cristina; Olinzock, Matthew; Colucci, Marcus A.  
Cc: Caplan, Jonathan S.; Frankel, Aaron; "Mike.cox@koleyjessen.com<mailto:"Mike.cox@koleyjessen.com">"  
(Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>);  
"Dan.Fischer@koleyjessen.com<mailto:"Dan.Fischer@koleyjessen.com">"  
(Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>); Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie; O'Neill, Kirt; Clonts, David R; Gandhi, Manoj; Rosbrook, Andy

Subject: RE: Prism v. AT&T

That works.

Thanks,

Sarah Ring

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[akingump.com](http://www.akingump.com) | <http://www.akingump.com> | Bio | <http://www.akingump.com/sring>

From: Baghdassarian, Mark [mailto:[MBaghdassarian@KRAMERLEVIN.com](mailto:MBaghdassarian@KRAMERLEVIN.com)]

Sent: Tuesday, March 25, 2014 12:21 PM

To: Ring, Sarah; Martinez, Cristina; Olinzock, Matthew; Colucci, Marcus A.

Cc: Caplan, Jonathan S.; Frankel, Aaron; "Mike.cox@koleyjessen.com" | "Mike.cox@koleyjessen.com" | (Mike.cox@koleyjessen.com | [Mike.cox@koleyjessen.com](mailto:Mike.cox@koleyjessen.com)) |

"Dan.Fischer@koleyjessen.com" | [Dan.Fischer@koleyjessen.com](mailto:Dan.Fischer@koleyjessen.com) |

(Dan.Fischer@koleyjessen.com | [Dan.Fischer@koleyjessen.com](mailto:Dan.Fischer@koleyjessen.com)) | Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie; O'Neill, Kirt; Clonts, David R; Gandhi, Manoj; Rosbrook, Andy

Subject: RE: Prism v. AT&T

Sarah,

We are available today at 5:30 (EST) / 4:30 (CST).

-Mark

Mark Baghdassarian | Partner

T: 212-715-9193 F: 212-715-8362 E:

[MBaghdassarian@KRAMERLEVIN.com](mailto:MBaghdassarian@KRAMERLEVIN.com) | <mailto:MBaghdassarian@KRAMERLEVIN.com>

Kramer Levin Naftalis & Frankel LLP | 1177 Avenue of the Americas | New York, New York 10036

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From: Ring, Sarah [mailto:[sring@akingump.com](mailto:sring@akingump.com)]

Sent: Tuesday, March 25, 2014 12:42 PM

To: Martinez, Cristina; Baghdassarian, Mark; Olinzock, Matthew; Colucci, Marcus A.

Cc: Caplan, Jonathan S.; Frankel, Aaron; "Mike.cox@koleyjessen.com<mailto:"Mike.cox@koleyjessen.com">"(Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>)";  
"Dan.Fischer@koleyjessen.com<mailto:"Dan.Fischer@koleyjessen.com">"  
(Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>)"; Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie; O'Neill, Kirt; Clonts, David R; Gandhi, Manoj; Rosbrook, Andy  
Subject: RE: Prism v. AT&T

Cristina,

We are available to discuss today after 1:30 pm CST or tomorrow morning.

Sarah Ring  
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1111 Louisiana Street | 44th Floor | Houston, TX 77002-5200 | USA | Direct: +1 713.250.2123 | Internal: 12123  
Fax: +1 713.236.0822 | sring@akingump.com<mailto:sring@akingump.com> |  
akingump.com<http://www.akingump.com> | Bio<http://www.akingump.com/sring>

From: Martinez, Cristina [mailto:CMartinez@KRAMERLEVIN.com]  
Sent: Thursday, March 20, 2014 2:23 PM  
To: Ring, Sarah; Baghdassarian, Mark; Olinzock, Matthew; Colucci, Marcus A.  
Cc: Caplan, Jonathan S.; Frankel, Aaron; "Mike.cox@koleyjessen.com<mailto:"Mike.cox@koleyjessen.com">"(Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>)";  
"Dan.Fischer@koleyjessen.com<mailto:"Dan.Fischer@koleyjessen.com">"  
(Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>)"; Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie; O'Neill, Kirt; Clonts, David R; Gandhi, Manoj; Rosbrook, Andy  
Subject: RE: Prism v. AT&T

Counsel:

Please see the attached letter.

Thank you,  
Cristina

Cristina Martinez | Associate  
T: 212-715-9331 F: 212-715-8000 E:  
CMartinez@KRAMERLEVIN.com<mailto:CMartinez@KRAMERLEVIN.com>  
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immediately notify the sender by return e-mail message and delete all copies of the original communication. Thank you for your cooperation.

From: Ring, Sarah [mailto:[sring@akingump.com](mailto:sring@akingump.com)]

Sent: Monday, March 17, 2014 4:40 PM

To: Baghdassarian, Mark; Martinez, Cristina; Olinzock, Matthew; Colucci, Marcus A.

Cc: Caplan, Jonathan S.; Frankel, Aaron; "Mike.cox@koleyjessen.com<mailto:"Mike.cox@koleyjessen.com">"(Mike.cox@koleyjessen.com<mailto:Mike.cox@koleyjessen.com>)";

"Dan.Fischer@koleyjessen.com<mailto:"Dan.Fischer@koleyjessen.com">"

(Dan.Fischer@koleyjessen.com<mailto:Dan.Fischer@koleyjessen.com>"); Andre, Paul; Kobialka, Lisa; Dent, Marian; Csizmadia, Suzanne; Langford, Melanie; O'Neill, Kirt; Clonts, David R; Gandhi, Manoj; Rosbrook, Andy

Subject: Prism v. AT&T

Counsel,

Please see the attached letter.

Sarah Ring

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Fax: +1 713.236.0822 | [sring@akingump.com](mailto:sring@akingump.com)<mailto:[sring@akingump.com](mailto:sring@akingump.com)> |

[akingump.com](http://www.akingump.com)<http://www.akingump.com> | Bio<http://www.akingump.com/sring>

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